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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,748	02/09/2001	Kunio Nomura	Q63076	5874

7590   06/06/2005

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EXAMINER
MILIA, MARK R

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX.(6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 December 2004_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-15_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-15_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment was received on 12/23/04, and has been entered and

made of record. Currently, claims 1-15 are pending.

Response to Arguments

2.   Applicant's arguments filed 12/23/04 have been fully considered but they are not

persuasive.

In response to applicant's arguments regarding the rejection of claims 1 and 9,

wherein on pages 2-3, the applicant explains how the current invention differs from the

teachings of Motosugi. Particularly, the applicant states that the current invention

describes extracting an image extracting area of a second original to produce image

data pertaining to the image extracted area. Motosugi discloses, "edit areas", which are

areas of originals that are selected by a user for future composition. Column 5 lines 7-

10, column 7 lines 48-51, and column 8 lines 21-50 along with figure 6 show that a user

selects an area of an original and that area is stored in memory, which is analogous to

extracting an area from an image as stated in the claim limitation. Also, the area

selected by a user can later be combined to form a composite image (see Figs. 24 and

25). Motosugi also shows a coordinate device, as disclosed in column 2 lines 61-65,

which a user utilizes to select the area to be extracted or "edited". Applicant also states

that the current invention determines an image composite area by indicating

coordinates. Motosugi discloses determining an image composite area by indicating

coordinates as shown in column 2 lines 61-65, column 16 line 57-column 17 line 36,

and column 17 line 64-column 18 line 5. The reference states that a pen-based

interactive tablet is used to detect coordinates of the area of the image selected by the

user and these areas and thus the coordinates are used to determine the position at

which the images will be placed to acquire the final composite image. Applicant further

states that the current invention discloses an editing step which composites the image

extracted area of the second original into the image composited area of the first original.

Motosugi discloses such an editing step that utilizes the areas of both images that were

extracted from the originals by the selection of the user and determination is made as to

how and where the images will be placed to produce the final composite image. This

determination takes into account the size of the extracted image areas to accurately

produce a composite image (see column 16 line 57-column 17 line 36). The editing

step is analogous to the claim limitation because it serves the same purpose of

combining the extracted images to form a composite image.

In response to applicant's arguments regarding the rejection of claims 3, 4, 8, 10,

11, and 15, wherein on pages 3-4, the applicant explains how the current invention

differs from the teachings of Motosugi. Particularly, the applicant states that the current

invention contains a scaling process in which the size of an extracted image is scaled to

fit the image composite area. Motosugi discloses the comparison of the area of a first

image and a second image, an area is analogous to the size of an image, to determine

if the second image will fit properly into the first image to create a well formed composite

image (see column 16 line 57-column 17 line 13). The above process is analogous to a

scaling process in that one image will always be larger than the other image and thus

the smaller image is "pasted" on top of the larger image to ensure proper composite

form and thus the images are scaled to fit together properly.

3.   Therefore, the rejection of claims 1-15, as cited in the Office Action dated

9/23/04, under 35 U.S.C. 102(b), as being anticipated by Motosugi et al., is maintained

and repeated in this Office Action.

Claim Rejections - 35 USC § 102

4.   The text of those sections of Title 35, U.S Code not included in this action can be

found in a prior Office Action

5.   Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 5875035 to Motosugi et al.

Regarding claim 1, Motosugi discloses an image forming method for forming an

image on a printable object on the basis of image data obtained by editing images of a

plurality of originals, the method comprising the steps of: determining an image

composited area of a first original by indicating coordinates of the image composited

area (see column 2 lines 47-65), extracting an image extracted area of a second original

to produce image data pertaining to the image extracted area by indicating coordinates

of the image extracted area (see column 7 lines 48-51 and column 17 lines 17-25), editing the image data so as to composite the image extracted area of the second original into the image composited area of the first original in order to obtain post-editing image data for representing a composite image based on the first and second originals (see column 16 line 54-column 18 line 5), and forming the composite image on a printable object in accordance with the post-editing image data (see column 5 lines 7-10).

Regarding claim 9, Motosugi discloses an image forming system, comprising: a coordinate input device which is capable of indicating an image composited area of a first original and an image extracted area of a second original (see column 7 lines 48-51), a command input device which is capable of designating an editorial process in which the image extracted area of the second original is edited relative to the image composited area of the first original (see column 16 lines 55-62), a scanner section which reads image data on the first and second originals (see column 3 lines 7-23), an editing device which edits image data pertaining to the image extracted area of the second original so as to composite the image extracted area of the second original into the image composited are of the first original, in accordance with the editorial process designated by the command input device, in order to obtain post-editing image data for representing a composite image based on the first and second originals (see column 16 line 55-column 17 line 13), and print device which forms the composite image on a printable object in accordance with the post- editing image data (see column 3 line 24-column 4 line 38 and column 5 lines 7-10).

Regarding claim 2, Motosugi discloses the system discussed above in claim 1,

and further discloses a step of designating an editorial process in which the image

extracted area of the second original is edited relative to the image composited area of

the first original, wherein the editing step is performed in accordance with the editorial

process (see column 16 line 57-column 17 line 2).

Regarding claim 3, Motosugi discloses the system discussed above in claim 1,

and further discloses wherein, in a case where a portion or a whole of an image of the

second original is extracted, and is composited into the first original, a size of an image

composited area of the first original is compared the editing step with size of an image

extracted area of the second original, thereby effecting a scaling process so as to fit an

image located in the image extracted area to the image composited area (see column

17 lines 2-13).

Regarding claim 4, Motosugi discloses the system discussed above in claim 3,

and further discloses wherein the image extracted area of the second original is read in

accordance with a scaling factor obtained as result of the scaling process (see column

16 line 54-column 17 line 5).

Regarding claim 5, Motosugi discloses the system discussed above in claim 1,

and further discloses a step of storing a portion or a whole of image data pertaining to

the respective first and second originals, wherein a storage image obtained in the

storing step is read in the editing step in order to composite a read image into the image

composited area of the first original (see column 16 line 54-column 17 line 13).

Regarding claim 6, Motosugi discloses the system discussed above in claim 3, and further discloses a step of storing a portion or a whole of image data pertaining to the respective first and second originals, wherein a storage image obtained in the storing step is read in the editing step in order to composite a read image into the image composited area of the first original (see column 16 line 54-column 17 line 13).

Regarding claim 7, Motosugi discloses the system discussed above in claim 4, and further discloses a step of storing a portion or a whole of image data pertaining to the respective first and second originals, wherein a storage image obtained in the storing step is read in the editing step in order to composite a read image into the image composited area of the first original (see column 16 line 54-column 17 line 13).

Regarding claim 8, Motosugi discloses the system discussed above in claim 1, and further discloses a step of storing a portion or a whole of image data pertaining to the respective first and second originals, wherein, in a case where a storage image of the second original obtained in the storing step is composited into the first original, a size of an image composited area of the first original is compared in the editing step with a size of an image extracted area from which the storage image has been extracted, thereby effecting a scaling process so as to fit an extracted storage image to the image composited area (see column 16 line 54-column 18 line 5).

Regarding claim 10, Motosugi discloses the system discussed above in claim 9, and further discloses wherein, in a case where a portion or a whole of the second original is extracted, and is composited into the first original, the editing device compares a size of an image composited area of the first original indicated by the

coordinate input device with a size of an image extracted area of the second original, thereby effecting a scaling process so as to fit an image located in the image extracted area to the image composited area (see column 16 line 62-column 17 line 13).

Regarding claim 11, Motosugi discloses the system discussed above in claim 10, and further discloses wherein the editing device performs a process for causing the scanner section to read the second original in accordance with a scaling factor obtained as a result of the scaling process (see column 16 line 54-column 18 line 5).

Regarding claim 12, Motosugi discloses the system discussed above in claim 9, and further discloses a storage device which stores a portion or a whole of image data pertaining to the respective first and second originals read by the scanner section, wherein the editing device reads a storage image from the storage device, and composites a read image into the image composited area the first original (see column 16 line 54-column 17 line 13).

Regarding claim 13, Motosugi discloses the system discussed above in claim 10, and further discloses a storage device which stores a portion or a whole of image data pertaining to the respective first and second originals read by the scanner section, wherein the editing device reads a storage image from the storage device, and composites a read image into the image composited area the first original (see column 16 line 54-column 17 line 13).

Regarding claim 14, Motosugi discloses the system discussed above in claim 11, and further discloses a storage device which stores a portion or a whole of image data pertaining to the respective first and second originals read by the scanner section,

wherein the editing device reads a storage image from the storage device, and

composites a read image into the image composited area the first original (see column

16 line 54-column 17 line 13).

Regarding claim 15, Motosugi discloses the system discussed above in claim 9,

and further discloses a storage device which stores a portion or a whole of image data

pertaining to the respective first and second originals read by the scanner section,

wherein, in a case where a storage image read from the storage device is composited

into the first original, the editing device compares a size of an image composited area of

the first original indicated by the coordinate input device with a size of an image

extracted area from which the storage image has been extracted, thereby effecting a

scaling process so as to fit an extracted storage image to the size of the image

composited area of the first original (see column 16 line 54-column 18 line 5).

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mark R. Milia whose telephone number is (571) 272-

7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia
Examiner
Art Unit 2622

MRM

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